

Remarks

Applicants received a restriction requirement dated July 12, 2004, that restricted 109 claims into thirteen groups. However, the present Application does not include 109 claims. The Applicants' representative contacted Examiner Saunders, who stated that the U.S. Patent and Trademark Office (PTO) file includes a specification with ten pages of claims, and includes 109 claims. The Applicants' representative was able to access the image file wrapper of the above-referenced application in PAIR on September 8, 2004. It appears the U.S. PTO's file has mistakenly has PCT Publication No. WO 98/53846 (hereinafter the '846 application) listed as the specification of the present application. However, the '846 application is not the specification of the present application; the '846 application was submitted with an Information Disclosure Statement.

The present application is a § 371 U.S. national stage of PCT/US00/09979, filed April 13, 2000 with the U.S. Receiving Office, and claims the benefit of U.S. Application No. 60/130,434, filed April 21, 1999. This was correctly indicated in the declarations and the transmittal that were submitted when the above-reference application was filed. Applicants respectfully request that the U.S. PTO file be corrected to include the correct specification.

Telephone Conferences

Applicants contacted Supervisory Examiner Chan on September 9, 2004. Examiner Chan reviewed the U.S. PTO file, and confirmed that the specification of the '846 application had incorrectly been inserted in the PTO's file. Applicants thank Examiner Chan for confirming the restriction requirement would be vacated, and the PTO file would be corrected to include the specification corresponding to PCT Application No. PCT/US00/09979 (published as PCT Application No. 00/62795).

Applicants also thank Examiner Saunders for the telephone conference. Examiner Saunders confirmed that the restriction requirement would be vacated, but requested that this response be submitted to facilitate prosecution. Applicants also thank Examiner Saunders for confirming that the PTO file correctly should include a complete copy of PCT Application No. PCT/US00/09979, which was published as published PCT Publication No. 00/62795, as this

PCT application was originally filed with the U.S. Receiving Office. Examiner Saunders confirmed that the submission to the U.S. Receiving Office was correctly indicated on the transmittal sheet, and thus the PTO's file will be corrected. Of course, upon request from the Examiner, the Applicants would be pleased to submit an additional copy of the transmittal letter, or an additional copy of the specification.

Conclusion

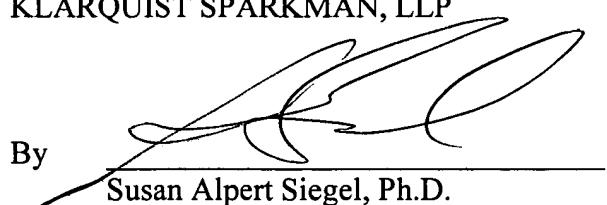
Applicants submit that they cannot elect a Group of claims for prosecution, as the 109 claims are not pending in the present application. Thus, the Applicants respectfully request that the restriction requirement be vacated. Applicants believe that the restriction requirement was issued in error, as outlined in detail above. Thus, no extension fees should be required to respond to the restriction requirement. In the unlikely event that the U.S. PTO determines that a fee for a one-month extension of time is required, please charge Deposit Account No. 02-4550.

If any additional matters remain to be addressed prior to examination, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Susan Alpert Siegel, Ph.D.
Registration No. 43,121

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446